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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ERIC DENMEAD and GABRIEL
 JIMENEZ, individually; and on behalf of
 all those similarly situated,

Plaintiffs,

vs.

LOWE'S COMPANIES, INC., a North
 Carolina corporation; LOWE'S HIW,
 INC., a Washington corporation; and
 DOES 1 through 20, inclusive,

Defendants.

CASE NO. C 07-01820 SI
 Judge: Susan Illston
 Complaint Filed: March 30, 2007

**STIPULATION AND [PROPOSED] ORDER TO
 CONTINUE CASE MANAGEMENT
 CONFERENCE, HEARING RE: MOTION TO
 DISMISS AND PENDING FRCP RULE 26
 DEADLINES; DECLARATION OF A. NICHOLAS
 GEORGIN**

[Local Rule 6-2]

WHEREAS on March 30, 2007, Eric Denmead and Gabriel Jimenez, individually and on behalf
 of all those similarly situated ("PLAINTIFFS") filed an action against Lowe's HIW, Inc. (collectively
 "LOWE'S") in the United States District Court for the Northern District of California alleging various
 violations of California wage and hour law by LOWE'S;

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1 **WHEREAS** on May 31, 2007, LOWE'S filed a Motion to Dismiss Action, or in the Alternative,
 2 To Stay All Proceedings; Notice of Related Cases and Notice of Pendency of Other Action for hearing
 3 on July 6, 2007;

4 **WHEREAS** on June 8, 2007, LOWE'S notified PLAINTIFFS of the successful mediation and
 5 settlement of a substantially similar and previously filed putative class action lawsuit already pending in
 6 the Los Angeles Superior Court entitled *Craig Hall, et al. v. Lowe's HIW, Inc.*, Case No.: BC325832, one
 7 of the pending cases on which LOWE'S bases it's Motion to Dismiss or Stay Action;

8 **WHEREAS** on August 16, 2007, PLAINTIFFS filed an Opposition to Lowe's Motion to Dismiss
 9 Action, or in the Alternative, To Stay All Proceedings, in which PLAINTIFFS agreed to stay all
 10 proceedings in this action pending the settlement of the Hall action;

11 **WHEREAS** in light of the *Hall* settlement, PLAINTIFFS and LOWE'S have continued to engage
 12 in fruitful settlement discussions in connection with the *Craig Hall, et al. v. Lowe's HIW, Inc.* settlement
 13 and early settlement of this case is anticipated. A continuance of currently pending deadlines would serve
 14 the efficient administration of justice by allowing the parties to fully explore resolving the claims herein;

15 **WHEREAS** the parties believe that 120 days will give the parties sufficient time to resolve the
 16 claims herein;

17 **WHEREAS** the parties agree to notify the Court of the status of the Hall case if it is not resolved
 18 prior to January 7, 2008, at which time the parties may seek to further continue the proceedings in this
 19 action;

20
 21 **IT IS THEREFORE AGREED AND STIPULATED**, by and between PLAINTIFFS and LOWE's,
 22 through their respective counsel of record that:

23 1. The Case Management Conference and hearing date for LOWE'S Motion to Dismiss Action,
 24 or in the Alternative, To Stay All Proceedings be continued one hundred and twenty (120) days to January
 25 7, 2008, or an alternate date convenient for the Court.

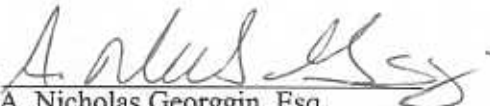
26 2. The deadline for PLAINTIFFS' and LOWE'S Federal Rules of Civil Procedure Rule 26 Initial
 27 Disclosure deadline be continued one hundred and twenty (120) days to January 27, 2008, or an alternate
 28 date convenient for the Court.

1 3. The deadline for PLAINTIFFS' and LOWE'S filing of an ADR Certification and a Stipulation
2 and [Proposed] Order Selecting ADR Process or a Notice of Need for ADR Phone Conference is
3 continued in accordance with the new Case Management Conference date selected by the Court.
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5 **IT IS SO STIPULATED.**
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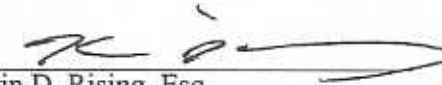
7 DATED: August 23, 2007

KRUTCIK & GEORGIN

8
9 By 
10 A. Nicholas Georggin, Esq.
11 Michelle E. Ott, Esq.
12 Attorneys for PLAINTIFFS

13 DATED: August 23, 2007

AKIN GUMP STRAUSS HAUSER & FELD LLP

14
15 By 
16 Kevin D. Rising, Esq.
17 Jeremy Bollinger, Esq.
18 Attorneys for DEFENDANT,
19 LOWE'S HIW, INC.
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**DECLARATION OF A. NICHOLAS GEORGIN IN SUPPORT OF STIPULATION TO
CONTINUE CASE MANAGEMENT CONFERENCE, HEARING RE: MOTION TO
DISMISS AND PENDING FRCP RULE 26 DEADLINES**

I, A. Nicholas Georggin, hereby declare as follows:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California and the United States District Court for the Northern, Central and Southern Districts of California. I am a partner in the law firm of Krutcik & Georggin, attorneys for Plaintiffs, Eric Denmead and Gabriel Jimenez. I have personal knowledge of the facts stated herein, and if called as a witness, I could and would competently testify thereto.

2. On March 30, 2007, Plaintiffs, Eric Denmead and Gabriel Jimenez, individually and on behalf of all those similarly situated, filed an action against Lowe's HIW, Inc., et al. ("Lowe's") in the United States District Court for the Northern District of California alleging various violations of California wage and hour law.

3. On April 18, 2007, Plaintiffs provided Lowe's with an extension of time to file a responsive pleading up to and including May 31, 2007.

4. On May 31, 2007, Lowe's filed a Motion to Dismiss Action, or in the Alternative, To Stay All Proceedings; Notice of Related Cases and Notice of Pendency of Other Action. The hearing on Lowe's Motion to Dismiss was originally set for July 6, 2007.

5. On June 8, 2007, I received a telephone call from Kevin Rising, Esq., counsel for Lowe's who informed me that a successful mediation took place and a settlement was reached in the action of *Craig Hall, et al. v. Lowe's HIW, Inc.*, Case No.: BC325832, one of the pending cases on which Lowe's bases its Motion to Dismiss or Stay Action.

6. On June 15, 2007, the parties stipulated to continue the deadline for Plaintiffs' Opposition to Defendant's Motion to Dismiss Action, or in the Alternative, To Stay All Proceedings to August 16, 2007; continue the Case Management Conference date and the hearing date for Lowe's Motion to Dismiss or Stay the Action to September 6, 2007; and continue the deadline for Initial Disclosures pursuant to Federal Rules of Civil Procedure, rule 26 to September 29, 2007, to allow the parties time to continue settlement discussions.

7. When Lowe's notified Plaintiffs of the *Hall* settlement and stipulated to continue dates, Plaintiffs and Lowe's stipulated to continue all dates our understanding was that the stipulation was necessary to allow the parties time to engage in settlement discussions for Plaintiffs' action since settlement was achieved in the *Hall* action.

8. On August 16, 2007, my office filed an Opposition to Lowe's Motion to Dismiss Action, or in the Alternative, To Stay All Proceedings, in which we agreed to stay all proceedings in this action pending the settlement of the *Hall* action.

9. The continuance of the Case Management Conference date, the hearing date for Lowe's Motion to Dismiss or Stay the Action and the deadline for Initial Disclosures pursuant to Federal Rules of Civil Procedure, rule 26 for 120 days will allow the parties to continue settlement discussions while promoting judicial economy and efficient use of financial resources by all parties.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 23rd day of August, 2007 at Mission Viejo, California.


A. NICHOLAS GEORGGIN, ESQ.

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5 **FOR GOOD CAUSE APPEARING** and pursuant to the stipulation of the parties in the action
6 entitled *Denmead v. Lowe's Companies, Inc. et al.*, Case No. C 07-01820 SI:


7 1. The Case Management Conference and hearing date for LOWE'S Motion to Dismiss Action,
8 or in the Alternative, To Stay All Proceedings is continued one hundred and twenty (120) days to January
9 ⁴ 7, 2008. Motion @ 9 a.m. and Case Management Conference @ 2:00 p.m.

10 2. The deadline for PLAINTIFFS' and LOWE'S Federal Rules of Civil Procedure Rule 26 Initial
11 Disclosure deadline is continued one hundred and twenty (120) days to January 27, 2008.

12 3. The deadline for PLAINTIFFS' and LOWE'S filing of an ADR Certification and a Stipulation
13 and [Proposed] Order Selecting ADR Process or a Notice of Need for ADR Phone Conference is
14 continued to 12/18/06 in accordance with the new Case Management Conference date.

15 **IT IS SO ORDERED**

16
17 Dated: _____



18 Hon. Susan Illston
19 United States District Judge